

Filed for intro on 03/23/98

HOUSE BILL 3398
By Williams (Wil)

AN ACT to amend Chapter 132 of the Private Acts of 1969; as amended by Chapter 185 of the Private Acts of 1974; Chapter 134 of the Private Acts of 1981; Chapter 189 of the Private Acts of 1983 and Chapter 137 of the Private Acts of 1996; and any other acts amendatory thereto, relative to the charter of the town of Ashland City.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 5 of Chapter 132 of the Private Acts of 1969, as amended by Chapter 137 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting subsection (u) in its entirety and by substituting instead the language:

(u) To prohibit the solicitation of moneys for any purpose or to prohibit the solicitation of the subscription to papers or magazines of any kind, within the city, by non-residents of the city, without first having obtained written approval as provided by ordinance, and to provide penalties for the violation of any ordinance relative thereto.

SECTION 2. Section 8 of Chapter 132 of the Private Acts of 1969, as amended by Chapter 149 of the Private Acts of 1983, Chapter 137 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting subsection (e) in its entirety and by substituting instead the following:

(e) Each elector shall be entitled to vote for six (6) candidates for councilman, two (2) councilmen from each ward in the first election following the passage of this act.

In the first election following passage of this act, a mayor and two (2) councilmen for

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each of the three (3) wards of the city shall be elected. The mayor and the councilmen from each ward receiving the highest number of votes shall be elected for a term of four (4) years. The councilmen from each ward receiving the second highest number of votes shall be elected for a term of two (2) years. The mayor and councilmen elected in each regular town election thereafter shall serve a term of four (4) years. Elections shall be held on the first Saturday in December in every odd-numbered year to elect one (1) councilman for each ward, and in every other odd-numbered year one (1) councilman for each ward and the mayor shall be elected. The terms of office of the mayor and councilmen shall begin at the first regularly scheduled meeting of the council in January next following their election, and they shall serve for a term of four (4) years and until their successors are elected and qualified. No informality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this charter and the General Election laws of the State.

SECTION 3. Section 14 of Chapter 132 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following:

Section 14. Restrictions on Councilmen. Be it further enacted, that the council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the mayor or any other officer or employee of the city, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by the mayor or any other officer or employee. The council shall deal with the various agencies, officers and employees of the city, except boards or commissions authorized by this charter, solely through the mayor or city administrator, and shall not give orders to any subordinates of the mayor or city administrator, either publicly or privately. Nothing herein contained shall prevent the council from conducting such inquiries into the

operation of the city government and the conduct of the city's affairs as it may deem necessary. The office of any councilman violating any provision of this section shall immediately become vacant upon his or her conviction in a court of competent jurisdiction.

SECTION 4. Section 25 of Chapter 132 of the Private Acts of 1969 and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following:

Section 25. Personnel Actions. Be it further enacted, that the appointment and promotion of employees of the city shall be on a basis of merit, considering technical knowledge required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. Unless otherwise provided by this charter or ordinance duly passed by the city council, the mayor shall have authority to make appointments, promotions and transfers, and to make demotions, suspensions and removals of employees for reasonable cause, and may delegate such authority to the city administrator or department heads. Before removal, or suspension for more than fifteen (15) days, an employee shall be given a written notice of intention to suspend or remove him or her, containing a clear statement of the grounds for such proposed action and notification that he may appeal to the city council by filing, within ten (10) days, with the city clerk written notice of his or her intention to do so. After receipt of such notice the council shall set a time and place for a public hearing on the matter, to be held within twenty (20) days thereafter. The votes of four (4) councilmen, excluding the mayor's vote, shall be required to override the suspension or removal, and the action of the council shall be a final determination of the matter. A suspension may be with partial or entire loss of salary, but if the suspension is overruled by the council any loss of salary shall be paid to the employee.

SECTION 5. Section 35 of Chapter 132 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

Section 35. Control of Expenditures. Be it further enacted, that the mayor shall be responsible for controlling expenditures of the various agencies of the city government to accomplish maximum efficiency and economy, unless delegated by ordinance to the finance director. No expenditures shall be made in excess of appropriations.

SECTION 6. Section 36 of Chapter 132 of the Private Acts of 1969, as amended by Chapter 134 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting subsection (a) in its entirety and by substituting instead the following as a new subsection (a):

(a) All contracts and purchases, except those reserved to the council by ordinance, shall be made by the purchasing agent. The purchasing agent may prescribe rules for emergency purchases. Departments shall estimate their future needs and requisition items so that purchases in maximum quantities may be made. The purchasing agent shall prepare standard specifications for supplies and equipment and enforce such specifications, dispose of surplus or worn out supplies and equipment, store and maintain records of materials and supplies, and maintain records of city property.

SECTION 7. Section 38 of Chapter 132 of the Private Acts of 1969 as amended by Chapter 185 of the Private Acts of 1974, Chapter 134 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following:

Section 38. Sale of City Property. Be it further enacted, that the purchasing agent may sell city property which is obsolete, surplus or unusable, after advertisement

as provided in Section 37(b), by sealed bids or at public auction; provided, however, any sale of real estate shall be subject to approval by the council. The purchasing agent may sell any item valued at less than one hundred dollars (\$100) without taking bids, but each such sale shall be reported to the council at its next meeting.

SECTION 8. Chapter 132 of the Private Acts of 1969, and any other acts amendatory thereto, is amended by adding the following as a new Section 20 and by redesignating the existing Section 20 and subsequent sections accordingly:

Section 20. City Administrator.

(a) The city council shall appoint or elect a city administrator. The city administrator shall be appointed without regard to his or her political beliefs and need not be a resident of the city at the time of his or her appointment. The city administrator shall report and be responsible to the council, and shall be under the general supervision of the mayor.

(b) The city administrator shall serve at the will of the council and may be removed with or without cause, without notice, and without the right of a hearing or appeal. The city council may approve an employment agreement with the city administrator setting forth the terms and conditions of employment.

(c) In the case of a temporary absence or vacancy in the position of city administrator, the mayor shall perform the functions of the city administrator until such time as the council designates an interim or new city administrator.

(d) The powers and duties of the city administrator shall be to:

(1) Oversee the daily operation of city functions and services;

(2) Supervise all department heads, including the city clerk, and coordinate administrative activities of each department and function;

(3) Prepare the agenda for city council meetings in consultation with the mayor, council members and department heads;

(4) Attend all official meetings of the council and its committees with the right to take part in all discussions, but not vote;

(5) Keep the council advised as to the condition and needs of the city;

(6) Keep the council advised as to the financial condition and future needs of the city;

(7) Recommend to the council ordinances, resolutions or other action to improve city operations;

(8) Assist the mayor with the preparation and implementation of the annual budget for all funds and departments and oversee departmental budget development;

(9) Recommend individuals to the mayor for appointment as department heads;

(10) Initiate discipline and discharge proceedings against department heads and employees with the concurrence of the mayor, except that concurrence of the mayor is not required if the mayor's authority has been delegated in accordance with the charter; and

(11) Perform other duties as may be prescribed by this charter.

(e) In addition to the powers and duties listed in subsection 20(d), the council may, by ordinance, designate additional powers and duties of the city administrator, including, but not limited to the power to:

(1) Coordinate long-range budget planning efforts and prepare a capital project budget for the city;

(2) Monitor all available grant opportunities and administer all state and federal grants received by the city;

(3) Implement personnel ordinances, rules and regulations adopted by the council and oversee employee benefit programs;

(4) Serve as finance director for the city;

(5) Oversee property and liability insurance coverage for the city; and

(6) Serve as purchasing agent for the city.

SECTION 9. Chapter 132 of the Private Acts of 1969, is amended by adding the following new section at the end of the charter:

Severability. If any article, section, subsection, paragraph, sentence, or part of this amendment to the charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this amendment to the charter that each article, section, subsection, paragraph, sentence, or part be enacted separately and independently of each other.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the town of Ashland City within one hundred twenty (120) days after becoming a law. Its approval or nonapproval shall be proclaimed by the presiding officer of the town of Ashland City and certified to the secretary of state.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 10.